1/27 Independent

News

Ready to rumble

Same-gender couples strike against the city with class action lawsuit

Two years ago, Barbara Henson and Kaylynn LaGamma were elated because Colorado Springs City Council approved same-gender benefits.

"We were very relieved," LaGamma said. "It was all we had wanted."

...artners Kaylynn LaGamma and Barbara Henson (a city ...11 dispatcher) are filing a class action lawsuit against the ...ity of Colorado Springs.

It meant Henson, a city 911 dispatcher, could provide health insurance to LaGamma, the lesbian partner with whom she shares a house and her life. That was back in December of 2002. Four months later, a majority of the council kept campaign promises to eliminate the program.

But Henson and LaGamma say the city has broken another pledge: to extend benefits to couples like them.

Within the next week, the women, along with another lesbian couple, plan to file a class action lawsuit against the city for providing and then removing the benefits and will ask the court to restore them.

"People really should be appalled," Henson said. "What's happening is we don't get benefits because we are a same-sex couple. That means we are being paid less. This is about equal pay for equal work."

Connie Trujillo, a unit clerk at Memorial Hospital, and her partner, Susan Osorio, who works at Peterson Air Force Base, are also joining the suit.

Stripped it away

The Denver attorney representing the couples, Patricia Bangert, questions the rationale by which the council chose to remove benefits. She noted that after the council stripped away the benefits program, Councilman Richard Skorman, along with others in the community, sought a compromise and proposed a city government health plan that would have provided roughly $6,000 a year to pay for health insurance for domestic partners — with no cost to taxpayers.

"Once you have that legitimate entitlement or expectation, the government cannot just take it away," she said.

City Manager Lorne Kramer — who was the one to recommend the original plan to install same-gender benefits — declined to comment because the lawsuit had not yet been filed.

"He's just not going to speculate," said Sue Skiffington-Blumberg, a spokeswoman for Kramer.

But Ann Crossey, director of the city's Human Resources Department, said the City Council had a right to reverse the benefits because it can determine which benefits to provide to its workers.

"We think the action the council took was legal and would prevail in a lawsuit," she said.

Costing more to fight

The city has 2,500 employees and about 25 of them were expected to come forward to ask for benefits for their partners. Probably many more workers are gay or lesbian, but likely wouldn't ask for the benefits, the city determined.

Skorman, a longtime supporter of benefits for same-gender couples, wasn't surprised by the lawsuit and noted that it could cost the city more to fight the lawsuit than to provide the benefits.

"I wish we had offered the benefits," he said.

Henson and LaGamma say they struggled emotionally before finally deciding to file suit. They fear that people will attack or harass them because of their sexual orientation and are asking the court to redact their address from court documents.

The couple said they felt compelled to come forward because recent efforts to provide benefits to domestic partners in the city appear to have sputtered out.

"We tried working this out with the city, but nothing ever came of it," Henson said.

Touted as a discount

In late 2003, the City Council considered, and then voted 5-4 against a "buy-in" benefits plan. That plan would have allowed anyone living in the same household as a city employee to obtain health, dental and vision insurance so long as they paid the full premium. The plan was touted as a discount compared with the cost of an individual insurance plan and would have incorporated parents and adult children living at home.

Since then, members of the City Council have faced occasional criticism from gay and lesbian activists.

For example, activists last summer chided Mayor Lionel Rivera for refusing to issue an official proclamation supporting the Pikes Peak Gay and Lesbian Community Center's PrideFest and Parade. The mayor, who previously had signed such a proclamation, criticized gay activists for staging a mass symbolic same-sex wedding ceremony in a public park the same weekend as PrideFest.

"This is about equal pay for equal work."

— Barbara Henson

"The city doesn't have the best reputation when it comes to the issues of gays and lesbians," said Ryan Acker, interim director of the community center.

— Michael de Yoanna

What a perfect way to celebrate April Fools Day!
Shave your head for St. Baldrick's, It's HOT!
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4th Annual St. Baldrick's
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Proceeds benefit the National Childhood Cancer Foundation.
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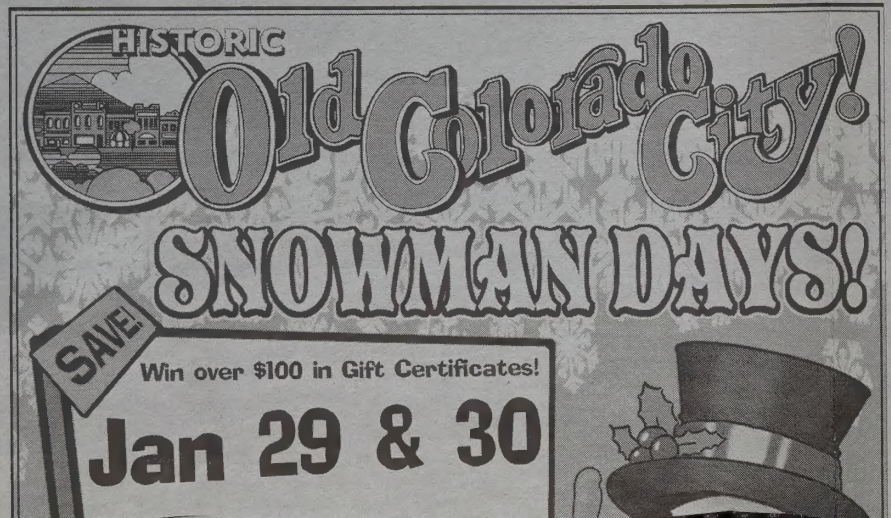

Parallel universes

Americans lavished $40 million on parties celebrating George W. Bush's inauguration to a second term even while being swallowed whole by the national debt. And, closer to home, Focus on the Family's James Dobson (tagged in a *New York Times* article as the nation's most influential evangelical) attacked a cartoon character for being "gay-friendly." Meanwhile, over in District 11, as was detailed in these pages last week, lawyers solicited advice from the very same Focus on the Family in their efforts to refuse a Gay-Straight Alliance club at Palmer High School. What planet are we on?

Colin Frazer

Outdoor educator
Traveling through

What's your best hope for the coming four years of the Bush administration? That the people of the U.S. finally realize the destruction he's causing.
What's your worst fear? Even further dismantling of the environmental code of ethics. Ruining health care and Social Security.
Much has been made of the lavish spending on last week's inauguration parties. What are your thoughts? Throwing a huge party is what Bush is about. Everything is wonderful; everything is looking good.
What's with Dobson sounding the alarm about SpongeBob SquarePants? This guy wants to make homosexuality illegal. [Being gay is] not a choice. We have to cope with it as a part of humanity.

Loring Wirbel

Technical Editor
Monument

What's your best hope for four more years under Bush? That our nation will be too financially constrained to do more damage anywhere.
Your biggest fear? That Bush will limit Supreme Court nominations to those who support extremely conservative causes, and that he'll invade other countries the way we did Iraq.
What's with last week's inauguration pigout? Clinton's inaugurations were getting pretty expensive, too. It's indicative of our love of neo-royalty, of spending money to make things look lavish.
What's with Dobson and SpongeBob SquarePants? A few years ago Dobson said that the Beijing Women's Conference was organized by a coven of witches. He says some very intelligent things from time to time, but he also says some incredibly kooky things.
Should D-11 be soliciting Focus on the Family for legal help? The D-11 school board has a coalition of Christian fundamentalists who constantly attack the middle-of-the-road board members. Maybe making this incident public will aid the middle-of-the-road members.

Catherine Beckman

Health-care writer
Lower Skyway

What's your best hope for the next four years? That we move away from our polarized notions of red and blue and seek a middle ground.
Your biggest fear? That Bush's rhetoric will further erode our relationships around the world, and separation of church and state will further erode here at home.
Should we have lavished $40 million on inauguration parties last week? Much of that was spent privately.
What's with Dobson and SpongeBob SquarePants? Dobson desperately needs to get a life and stop watching cartoons.
Should D-11 solicit legal counsel from FOF? A lot of information about sexual orientation presented as fact by Focus on the Family is distorted. It's absurd for D-11 lawyers to use Focus on the Family as a legitimate resource.

— Bob Campbell

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